



## U.S. DEPARTMENT of STATE

### Czech Republic

#### Country Reports on Human Rights Practices - [2004](#)

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The Czech Republic is a constitutional democracy with a bicameral Parliament, led by a parliamentarily elected President as head of state, and a presidentially appointed Prime Minister as head of government. In 2003, Parliament elected Vaclav Klaus as President. Free and fair elections held in June 2002 resulted in a coalition government under Prime Minister Vladimir Spidla. In July, the Government fell, and the same three coalition parties formed a new government under former Deputy Prime Minister Gross. As the leader of the strongest party, Gross was appointed Prime Minister by the President, and he then selected a Cabinet, which was accepted through a vote of confidence in the Chamber of Deputies. There were no irregularities in the process of forming the new Government. The judiciary is independent.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service, reports to the Parliament and the Prime Minister's office through the Interior Minister. The civilian authorities maintained effective control of the security forces and military. A few members of the security forces committed human rights abuses.

The country's economy was market-based, and its population was approximately 10.2 million. The economy grew by 2.5 percent through September. Inflation held steady at 0.1 percent, while wages grew by 6.3 percent. The workforce was employed primarily in industry, retail, and construction.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Occasional police violence and use of excessive force remained a problem. Long delays in trials were a problem. There was some violence and discrimination against women and children. Occasional skinhead violence and discrimination against Roma, particularly regarding housing, remained problems. Romani children continued to be sent to special remedial schools at a disproportionate rate. Trafficking in persons was a problem.

### RESPECT FOR HUMAN RIGHTS

#### Section 1

Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

##### b. Disappearances

There were no reports of politically motivated disappearances.

##### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were reports that police used excessive force, particularly against Roma.

In August, charges of police brutality filed jointly by two expatriates, one Briton and one New Zealander, were dismissed due to lack of evidence. The men claimed that, after they were detained for not paying their bill at a Prague bar on April 9, Municipal Police officers initially took them to the local police station, but later drove them to an abandoned area, where they kicked and beat the men repeatedly with truncheons. Both received hospital treatment following the incident. Their lawyer filed an appeal in the case, which was pending at the end of the year.

Five officers, who allegedly broke into a Romani family's home while off duty in May 2003 and racially insulted and beat the

family members, were tried during the year. Three of the officers were found not guilty, and all charges against them were dismissed. The other two officers were dismissed from their positions, and their trial remained ongoing at year's end.

There were reports that police and prosecutors increasingly recognized that there were ethnic or racial motives for crimes; however, some observers criticized the police for their ineffectiveness in investigating such crimes (see Section 5).

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. However, there was overcrowding in many prisons, and as of June of this year, the prison system was at 115.6 percent of capacity.

A July 1 amendment to the Criminal Code that requires half of an inmate's earnings from prison work to be returned to the state to pay for damages, prison costs, or court costs spurred protest by roughly one-third of the 1,000 inmates at Vinarice prison.

Women and men were held separately, juveniles were held separately from adults, and pre-trial detainees were held separately from convicted prisoners.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The State Police are responsible for enforcing the law and were generally effective in doing so, although some instances of police corruption were reported. The Ministry of Interior oversees the police. The Inspectorate of the Ministry of Interior is responsible for investigating allegations of police misconduct. During the year, the Government continued an active effort to recruit Roma to serve in law enforcement and improve police relations with the Romani community (see Section 5).

According to the Ministry of Interior, the number of investigated cases of abuse of authority by police and Ministry officials declined during the year to 129 from 252 in 2003. In 2003, 110 public officials were convicted of abuse of authority; this year, only 1 was convicted. In 2003, there were 104 investigated cases of bribery; 75 public officials were convicted, and of these, 45 were given suspended sentences, 14 were fined, and 4 received unconditional sentences. During the year, there were 210 investigated bribery cases and 97 convictions; of these convictions, 54 were given suspended sentences. Cases of corruption were most prevalent in traffic and insurance fraud investigations.

Persons suspected of crimes were apprehended openly, with warrants based on sufficient evidence and issued by a prosecutor, and brought before an independent judiciary. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel, although they may not contact family members. After 48 hours, police must have determination from a judge and prosecutor that the suspect will be charged before they can hold the suspect further. When the judge and prosecutor decide to charge the suspect, the suspect may contact family members.

The law allows bail except for certain serious crimes.

Under the law, pretrial detention may last no longer than 4 years and then only for cases considered "exceptionally grave" under the Criminal Code. Lengthy pretrial detention and long delays in trials were problems and were primarily due to judicial inefficiency, financial constraints, and staff shortages. In practice, the average length of pretrial detention during the first half of the year was 143 days, few pretrial detainees were held for longer than 2 years. A suspect may petition investigating authorities at any time for release from detention.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, structural and procedural deficiencies, as well as a lack of training and resources, hampered the effectiveness of the judiciary. There were allegations of judicial corruption, particularly surrounding bankruptcy and commercial courts.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. The separate Constitutional Court has final authority for cases concerning the constitutionality of legislation. Judges are nominated by the Minister of Justice and appointed for life by the President. The Senate must confirm Constitutional Court judges.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. There was a large backlog of cases. Approximately half of appealed cases were returned to lower court for retrial. During the year, the European Court for Human Rights (ECHR) ruled against the Government in 24 cases related to the slow pace of court proceedings; at year's end, approximately 70 cases concerning the country were being processed by the ECHR, most of which are related to the excessive length of court proceedings. In April, the Government offered compensation to 25 persons with cases at the ECHR against slow court proceedings in an attempt to lessen the overall number of disputes.

In January, a new hotline at the Ministry of Justice was established, via which citizens can report on suspected corruption. Within

the first 8 months of the year, the hotline received 277 calls; of these, 46 were accusations towards judges, 17 against prosecutors. These cases were reviewed, and 12 were fully investigated by police; none of the accusations were proven.

The Office for the Documentation and Investigation of the Crimes of Communism continued to investigate actions taken by government authorities and Communist Party members during the 1948-1989 Communist regime. During the year, the case regarding Pavel Minarik, who allegedly plotted an attack on the Munich headquarters of Radio Free Europe in the mid-1970s, was sent back to police and prosecutors for further investigation. In October 2003, the High Court sentenced Karel Hoffmann to 6 years in prison for his role in halting radio broadcasts during the 1968 Warsaw Pact invasion; the 80-year-old Hoffmann began serving his 4-year sentence in August but was released after 3 weeks on health grounds. Petr Zak, a former senior state security official who in 2003 received a 3-year sentence for participation in antidissident raids, successfully appealed the court's decision and, as a result, had the sentence overturned.

There were no reports of political prisoners.

There were no instances in which the Government failed to enforce court orders with respect to restitution or compensation for takings of private property under domestic law.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice; however, there were some allegations of forced sterilization of Romani women and that municipal governments forced Roma to relocate (see Section 5).

### Section 2

#### Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

The independent media were active and expressed a wide variety of views without restriction.

The law calls for prison terms of between 6 months and 3 years for persons who publicly deny the Nazi Holocaust or the Communist genocide had taken place. The law also prohibits publishing information that incites hatred based on race, religion, class, nationality, or other group affiliation.

In January, the Prague Municipal Court re-imposed an overturned 3-year sentence on Michal Zitko for supporting a movement aimed at suppressing human rights. In 2000, Zitko was arrested on charges of slandering a race, nation, or belief for publishing an edition of Hitler's book "Mein Kampf." The re-imposition of Zitko's original sentence followed expert testimony that his publication could have influenced Neo-Nazi groups in the country.

The Government did not restrict access to the Internet.

##### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected this right in practice; however, it may legally restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of participants. Permits normally are required for demonstrations, but police rarely interfered with spontaneous, peaceful demonstrations.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the Interior Ministry, but there was no evidence that this registration was either coercive or arbitrarily waived.

The law prohibits political parties from conducting activities of any kind at universities; however, students were allowed to form their own political groups.

##### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Ministry of Culture oversees a voluntary, two-tiered registration process for religious groups. For the first tier, groups must

have 300 adult permanent resident members. If a group wishes to attain the second tier registration level, at which they can have special rights (such as teaching religion in state schools, delegating persons to perform clerical activities in the military, qualifying for government financial subsidies, and being entitled to perform marriages and establish church schools), a religion must have been registered for 10 years and obtain signatures equal to 1 signature per every 1,000 citizens as per the last census. Very few small or less established religions were able to obtain the required signatures to obtain second tier registration.

Several unregistered religious groups have criticized the law as prejudicial against smaller religions. Some critics also argued that completing registration at the second tier level necessary for government subsidies would be difficult to attain due to the 10-year observation period. If a church wishes, it can register as a civic association rather than go through the above process to be permitted to perform fundraising activities. There were 26 officially recognized groups, one of which, the Association of Muslim Centres, registered during the year, the first time a Muslim organization was officially registered as a religious entity in the country.

All religious groups officially registered with the Ministry of Culture are eligible to receive limited tax benefits or government subsidies, depending on the size of their membership and length of presence in the country. Unregistered religious groups may not legally own communal property but often formed civic-interest associations for this purpose. Unregistered religious groups otherwise were free to assemble and worship as they chose, and their members issued publications without interference.

A small but persistent and fairly well organized extreme rightwing and anti-Semitic movement still existed. The Ministry of Interior continued a forceful effort to counter the movement, which included monitoring of its activities, cooperating with police units in neighboring countries, and concentrated efforts to shut down unauthorized concerts and gatherings of neo-Nazi groups.

In January, police detained Denis Gerasimov, a member of a Russian neo-Nazi band, at the Prague airport after police found Nazi propaganda in his bag. He was charged with supporting and propagating a movement to suppress human rights, and his case was pending at year's end. In August, approximately 80 tombstones were found toppled by unknown vandals at a Jewish cemetery in the eastern town of Hranice. In October, vandals damaged a memorial to victims of the Holocaust for the second time since it was erected in July in the town of Bohumin. Both incidents were reported to the police. Parliament approved a law on February 10 designating January 27 as Holocaust Remembrance Day in the country.

Plans to build a mosque in Teplice were withdrawn during the year due to protests from the town's residents. A petition against the mosque, noting recent incidents of Arab terrorism, garnered 4,500 signatures from a population of 53,000. Teplice is popular among Arab tourists for its medicinal spas; in 2003 the town had approximately 2,850 visitors from Arab countries.

In March, plans for a mosque to be built in Orlova were cancelled when funding fell through. A spokesman for the Islamic Foundation, a Czech-registered nongovernmental organization (NGO), noted he had never heard of the Islamic Union, the supposed firm backing the project, and that Orlova's Islamic community was too small to warrant the planned mosque.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and the Government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol. During the year, 5,152 persons applied for asylum in the country; 121 were ultimately granted asylum, and many others remained in the country at year's end awaiting a decision on their asylum application.

A law on asylum establishes a list of "safe countries of origin" from which applicants are unlikely to be granted refugee status. While the law is meant to discourage applicants from countries that observe human rights and democratic institutions, it does not prevent applications or the granting of asylum. Applicants whose cases are denied may appeal to the relevant regional court and the Government must abide by the court's decision.

The Government funded an integration program to assist refugees in locating housing and receiving social assistance. Two reception centers, six camps, and six integration centers were provided for recognized refugees. Conditions at the refugee camps were good, and NGOs noted overall conditions at detention centers for illegal migrants in Balkova and Velke Prilepy improved. A new center was opened to care for unaccompanied minors.

The case of Palestinian refugee Ibrahim Ziyad, who spent approximately 6 months in the transit area of Prague's Ruzyně Airport,

was dissolved in February when Ziyad illegally entered Germany. Ziyad asked for asylum after landing in Prague in August 2003 on a flight from Turkey but was denied and returned to Istanbul. Turkey refused to re-admit Ziyad, and he was returned to Prague, where he remained in the transit area. In January, a refugee advocate was able to meet with Ziyad and appeal his asylum case. Czech courts failed to act on his appeal within 30 days and thus forced the Interior Ministry to take custody of Ziyad.

### Section 3

#### Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country joined the European Union (EU) in May.

The November Senate elections were widely considered free and fair.

Prime Minister Stanislav Gross's Government, which was formed in July, consisted of the Prime Minister's left-of-center Social Democrat Party, the centrist Christian Democrat Party, and the center-right Freedom Union Party. The "Lustration" (vetting) Law prohibited many former Communist Party officials, People's Militia members, and suspected secret police collaborators from holding a wide range of elected and appointed offices, including senior positions in state-owned companies, academia, and the media. The law was scheduled to expire in January but was extended for an indefinite period of time. In August, the newly-appointed Head of the Government Office under the Gross Government, Pavel Pribyl, was found to have commanded a police unit that attacked anti-communist protesters in 1989 and was ultimately forced to resign. In June, Finance Minister Sobotka likewise dismissed his deputy, Jaroslav Sulc, when it was revealed he was a former member of the Communist secret service.

Allegations that a bribe was offered to a Member of Parliament (M.P.) to bring down the Government led to an effort by M.P.s to pass a Code of Ethics. Legislation to establish a Code for all government officials was under discussion at year's end.

During the year, corruption remained a problem. In April, the police anticorruption unit charged 19 customs officials working at the south Moravia border with taking bribes from truck drivers. According to a police spokeswoman, the customs officers received bribes of between \$6 and \$13 (151 to 302 CZK) from truck drivers crossing the border; approximately 800 trucks pass through the border daily. The crime was part of an on-going investigation, and the officers involved faced criminal charges.

The Justice, Interior, Agriculture, and Finance Ministries all have hotlines citizens may call to report instances of corruption by ministry employees; the Labor Ministry established an anticorruption hotline in September.

The law guarantees public access to government information. The Government provided such access in practice for citizens and noncitizens, including foreign media. No prohibitive fees were used, and applicants may appeal a decision about information release within 15 days of a decision or if the time limit for processing a request is exceeded.

There were 33 women in the 200-seat Chamber of Deputies and 8 women in the 81-seat Senate. The Government had two female Cabinet members.

There were no members of minorities in the 200-seat Chamber of Deputies, the 81-seat Senate, or the Cabinet; one justice on the Constitutional Court was an ethnic Slovak. Most of the estimated 150,000 to 175,000 Roma were not fully integrated into political life (see Section 5). Few Roma served in local government, although some were appointed to advisory positions in government ministries.

### Section 4

#### Governmental Attitude Regarding International Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

### Section 5

#### Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination on the basis of race, gender, disability, language, or social status; however, societal discrimination against women and Roma persisted.

#### Women

The extent of violence against women was unknown; however, some studies indicated that it was more common than publicly acknowledged. In 2003, the Czech Academy of Science conducted a survey entitled International Violence Against Women, according to which 59 percent of respondents have experienced violence at least once during their lives, 38 percent while in a

partner relationship. Very few women reported incidents to the police, but those who did said that police recommended specialized treatment and legal advice in addition to writing a required police report. The survey showed that most victimized women report incidents only to friends; 23 percent did not tell anyone.

The Government amended its Criminal Code to recognize domestic violence as a distinct crime. According to the new law, those who commit violence against relatives or domestic partners may receive up to 3 years in prison; if the extent of the domestic violence is severe, prolonged, or involves multiple victims, the prison sentence is 2 to 8 years. If domestic violence is committed against a person under the age of 18, a pregnant woman, the elderly, or the seriously ill or handicapped, the sentence may be longer. Since the law took effect in June, 17 cases of domestic violence were reported to the police; 10 cases were investigated. No prosecutions were made by year's end.

The police trained some specialized personnel to handle cases of domestic violence. The police did not work regularly with welfare and medical services; however, NGOs reported this situation was improving. However, training materials to help police officers improve the identification and investigation of domestic violence and sexual abuse cases and to help sensitize them in the treatment of victims of abuse continued to be used. A local NGO provided police with pamphlets to give victims informing them of their rights, options, and organizations that provide assistance.

According to Elektra, a crisis center for abused women, rape victims and victims of abuse could seek psychological counseling through a number of hotlines and crisis centers. According to NGOs, there were 107 state-supported shelters located in most major cities and towns that took in women who were victims of rape or abuse. NGOs also provided medical and social assistance to women on a local level. NGOs reported that there were not enough spaces available in shelters to meet the demand. Although there were no laws specifically addressing spousal rape, spousal rape falls under the definition of rape covered in the Criminal Code. Police investigated 432 rapes during the year. According to the Ministry of Justice, there were 183 convictions for rape throughout the country during the year, compared with 158 convictions in 2003. According to experts, rape was greatly underreported. Gender studies experts reported that women were ashamed to report or even speak about rape. Police training on working with victims improved through cooperation with NGOs.

Prostitution is legal, while pimping is prohibited by law; however, local communities have the right to regulate prostitution and enforce restrictions on it. Prostitution and sex shops were prevalent, particularly in regions bordering Germany and Austria where international vehicular traffic was heaviest. However, border prostitution decreased significantly during the year due to EU entry and subsequent decline in vehicles awaiting border crossing.

Trafficking in women was a problem (see Section 5, Trafficking). The labor law continued to prohibit sexual harassment and, as of March 1, an amendment put the burden of proof on the person accused of sexual harassment; however, sexual harassment remained a problem. Those found guilty of sexual harassment can be fined up to approximately \$2,750 (70,000 CZK), dismissed from work, or sentenced. In February 2003, a survey found that one-tenth of respondents felt they had been subject to sexual harassment. Thirteen percent of female respondents reported having dealt with sexual harassment, as opposed to 4 percent of male respondents. Other studies have concluded that approximately one-half of all women have experienced sexual harassment in the workplace.

Women and men are equal under the law, and in principle, women enjoyed equal property, inheritance, and other rights. By law, women receive equal pay for equal work. Although women constituted approximately half of the labor force, they were employed disproportionately in professions with a lower median salary than were men. Women's median wages lagged behind those of men by almost 25 percent. The unemployment rate for women exceeded that for men (11.3 percent to 7.7 percent), and a disproportionately small number of women held senior positions. The Council for Equal Opportunities for Men and Women monitored gender issues and advised the Government on its efforts to enforce equal gender rights.

Changes to the Labor Code effective October 1 make it illegal for employers to ask potential employees personal questions during job interviews. The legislation's main goal is to better protect female applicants against discrimination by employers who do not want to hire someone who has plans to have children. There were allegations this year of forced sterilization of Romani women (see Section 5, Minorities).

#### Children

The Government was committed to children's welfare; it funded programs for health care and basic nutrition, and provided free and compulsory education through age 15 (through age 14 in special schools for slower learners). Public education was available through the university level. Girls and boys enjoyed equal access to health care and education at all levels. Language and cultural barriers frequently impeded the integration of Romani children into mainstream schools.

While the Government reported that most children attend school, they acknowledged it was difficult to estimate the number of Romani children attending school. Romani students continued to attend special schools at higher rates.

From January through November, there were 853 cases of child neglect and welfare reported, and from January through June, there were 283 convictions, under sections of the law covering endangering the morale of juveniles and abandonment of a child. The Fund for Endangered Children estimated that the total number of children suffering from physical, psychological, or sexual abuse was between 20,000 and 40,000. NGOs estimated that fewer than 50 children died each year from domestic violence.

Laws criminalize family violence, physical restraint, sexual abuse, and other forms of abuse of minors. There was a government-supported Children's Crisis Center. As of January 1, there is a juvenile court system in place for criminal offenders 15 years and younger.

Dissemination of child pornography is a criminal act; laws against child pornography were generally enforced. During the year, the police took measures to prevent sex tourism involving children more effectively, maintaining patrols in high-risk areas, enforcing curfew-type policies more actively, and raising public awareness of the problem through the media.

Despite increased police efforts, press reports still indicated that, in many border regions, sex tourism involving adolescent minors continued and trafficking in children continued to be a serious problem (see Section 5, Trafficking). Convictions of sexual abusers of children were reported routinely in the media. In October 2003, the German UNICEF office published a report that characterized the region along the German border as a "haven for pedophilia." While both German and local officials disputed the scope of the problem and the veracity of data used in the report, the country and Germany formed a liaison group to increase communication and exchange information on vice crimes.

#### Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking to, from, and within the country primarily for the purpose of sexual exploitation was a problem. There were some cases of forced labor. The Ministry of Interior and the Organized Crime Division of the State Police had responsibility for combating trafficking. The penalties for trafficking, including for the purpose of forced labor, are generally commensurate with those for rape and sexual assault. Convicted traffickers can receive prison sentences of up to 12 years. Organizing prostitution and pimping are punishable by a prison term of up to 12 years if the victim is under the age of 15. The Government investigated and prosecuted cases of trafficking in persons, although conviction rates were low. According to police statistics, there were 13 reported cases of trafficking in persons from January through November. Additional convictions were made under pimping laws.

The Government cooperated extensively with other Central and East European countries, the EU, and other foreign countries in the investigation and prosecution of trafficking cases.

In September, an owner of three brothels in the border town of Cheb, Jiri Marinc, was found guilty of procuring and trafficking in persons and sentenced to 5 years in prison. Marinc's wife, Romana Nemcova, was sentenced to 4 years for the same crime. According to the courts, Marinc and Nemcova trafficked over 50 women from Ukraine and Slovakia to work as prostitutes in the country; most were required to give all their earnings to the pair.

The country was increasingly a transit and destination country rather than a source for trafficking in persons, primarily women and girls for sexual exploitation. Women and girls from the former Soviet Union (in particular, Russia, Belarus, Ukraine, and Moldova), Eastern Europe, the Balkans, and Asia were trafficked into the country and onward to Western Europe and the United States for prostitution. Czech women and girls were trafficked to other European countries. There was some evidence of a small amount of internal trafficking primarily of women, especially Romani women, and children for prostitution from areas of low employment to areas bordering Germany and Austria. Press and government reports indicated that the country, particularly the border areas, remained a popular destination for pedophiles due to its location and the common misperception of a low risk of sexually transmitted disease. The Government established police assistant positions in two border regions to help combat such problems; assistants were recruited from the local Romani community to facilitate cooperation between the Romani minority and the police.

Local victims were generally young women between 18 and 22 years of age, from areas of high unemployment. Girls raised in state-run homes were at particular risk. A small number of men were trafficked to the United States for coerced labor. Trafficked women were frequently offered jobs as models, maids, waitresses, and dancers through employment agencies, and then forced into prostitution. Once in a destination country, traffickers withheld the victims' travel documents and used isolation, violence, threats of violence, and the threat of arrest and deportation to ensure compliance.

Most traffickers were members of organized crime groups, often from Russia, Bulgaria, Ukraine, the former Yugoslavia, and East Asia and worked in cooperation with individual citizens, Slovaks, and, less often, Austrians and Germans. Traffickers often served as a link between Russian and Ukrainian traffickers and Western European procurers.

There was no evidence of government complicity in, or tolerance of, trafficking in persons; however, NGOs suspected individual members of the border police of assisting illegal border crossings related to trafficking.

The Government did not provide direct assistance, but cooperated with the International Organization for Migration (IOM) and NGOs in order to provide services to trafficking victims and provided funding to some of these NGOs. La Strada was the primary domestic NGO providing services to victims and conducting awareness campaigns for girls and women at risk of being trafficked. Returnees frequently were hesitant to go to their families or public social service providers for help because of the stigma attached to having been trafficked.

The Government funded and implemented nationwide a victim assistance program first piloted in 2003. Under this program, a victim is provided with psychological and social assistance for 30 days; the victim must decide within that period whether or not

she would like to cooperate with authorities. Victims who choose not to assist police with prosecution are offered voluntary return to their home country; victims who choose to cooperate are eligible for residency visas for the period of criminal proceedings. If upon the end of cooperation with police a victim would like to stay in the country rather than return to their home country, they are eligible to apply for permanent residency on humanitarian grounds.

NGOs working with the Government to implement the program criticized the limited opportunities trafficking victims who cooperate with the police have to obtain permanent residency. NGOs pointed out that it was much easier and more desirable for trafficking victims to apply for asylum, which grants them legal status to remain until a ruling is made on their asylum case (which can take years), rather than cooperate with authorities under the program and generally be returned to their home country once proceedings are concluded. Though victims have the opportunity to apply for permanent residency under the program at the conclusion of their cooperation with the police, it is not automatically granted. Only one victim was awarded such residency last year. The Interior Ministry accepted this criticism and recognized the need to change the model to more readily offer permanent residency to victims under the program.

The Crime Prevention Division of the Interior Ministry continued to implement a national strategy against trafficking. The Interior Ministry screened films in police schools around the country as an educational tool to help police recognize trafficking victims and hosted a regional conference in October regarding forfeiting the proceeds of human trafficking. As part of the Government's national strategy against trafficking, a new manual on identifying trafficking victims was prepared for use in police training. The EU continued a series of training sessions about trafficking and victim identification for police officers. The Ministry of the Interior translated and published materials on identification of trafficking victims. The Government also cooperated with the IOM to deliver school curriculum targeted for students 13 to 14 years of age on the dangers of trafficking.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in access to healthcare, education, or in the provision of other state services. However, persons with disabilities suffered disproportionately from unemployment. Businesses in which 60 percent or more of the employees were persons with disabilities qualified for special tax breaks, and the Government provided transportation subsidies to citizens with disabilities.

The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. Although access did improve during the year, many buildings and means of public transportation remained inaccessible. In Prague, 26 of the 50 metro stations were wheelchair-accessible; however, the majority of stations in the city center remained inaccessible. A growing number of bus lines were accessible to persons with disabilities. Tramlines in Pilsen were wheelchair-accessible. Children with physical disabilities lacked barrier-free access to most public schools, although there was at least one barrier-free school in each district.

During the year, amendments to the Criminal Code were made to stipulate that if domestic violence is committed against the seriously ill or handicapped, the sentence may be longer than the otherwise maximum 8 years.

The Government Council for Disabled Citizens, a permanent advisory body of the Government for the support of disabled citizens, was responsible for protecting the rights of persons with disabilities. The Council participated in drafting the Government's national plan to aid persons with disabilities.

On July 13, Minister of Health Jozef Kubinyi responded to international pressure from human rights groups by abolishing the use of cage beds in psychiatric wards and promising to remove the use of all net beds by the end of the year. According to authorities, of 9,657 beds in the country's psychiatric facilities, roughly 100 were net beds, and only an estimated 20 were cage beds. The abolition of cage beds brought praise from NGOs, although President Klaus criticized the reaction as a hasty step.

#### National/Racial/Ethnic Minorities

After ethnic Slovaks, the largest minority was the Romani population, unofficially estimated at between 150,000 and 175,000. Roma suffered disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease. Despite constitutional prohibitions against discrimination, a framework to implement those provisions in civil law was not incorporated to address specific offenses under the Criminal Code. The Government worked towards replacing existing laws that make discrimination illegal with one blanket antidiscrimination law.

Members and sympathizers of skinhead organizations were the most frequent perpetrators of interethnic violence, particularly against Roma and other "dark-skinned" persons. An estimated 7,000 skinheads were active in the country, although some observers believed the actual figure was higher.

On April 20, three men attacked two Romani women at a restaurant in Ostrava. The men slapped and kicked the women while shouting Nazi slogans. The case was under investigation at year's end.

On April 12, three men verbally assaulted a Romani family in Broumov. According to the police, the men cursed the family's ethnicity and threatened to kill them while standing outside the gate of the family home and beating it with baseball bats. Local



police apprehended two of the men and an investigation was underway at year's end.

On May 7, according to press reports, a group of youths from Opava attacked three Roma, including a pregnant woman, in Krnov. Seven individuals were charged in connection with the attack.

Reports to police of racially motivated or extremist crimes have continued to increase in recent years, and police and prosecutors increasingly recognized that there were ethnic or racial motives for many crimes. Some observers still cited judicial inconsistency in dealing firmly with racially and ethnically motivated crimes; however, there was an effort to recruit Romani police officers and employ Romani police assistants to better interact with that community.

In August, two youths received suspended sentences regarding an attack against Roma at a bus terminal in Jeseník. The case provoked public outcry from the Romani community and was sent back for retrial, which was pending at year's end. There were three youths involved in the attack, all of whom reportedly had histories of perpetrating violent attacks. One of the perpetrators involved in the attack was sentenced to 16 months' imprisonment because of previous attacks he had committed against Roma.

In the 2003 case of a Romani couple from Jeseník who were attacked in their home by drunken youths (the same perpetrators involved in the bus terminal attack during the year), the perpetrators were given 3-year suspended sentences. The judge ruled there was insufficient evidence to conclude that racism was behind the attack. Romani activists and the country's Human Rights Commissioner criticized the sentence. One of the youths involved in the attack, Martin Stiskala, was subsequently involved in further harassment of the family as well as two other violent attacks against Roma, one of them against a youth with mental handicaps. In June, Stiskala received a 2-year suspended sentence for his assault on the young Roma with mental handicaps.

Roma who wished to integrate into mainstream society faced practical difficulties in the areas of employment and education. Precise figures for unemployment among Roma were unavailable, but the rate was disproportionately high, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refused to hire Roma and asked local labor offices not to send Romani applicants for advertised positions. The law prohibits hiring and employment discrimination based on ethnicity. No enforcement statistics were available, though there were instances of decisions and settlements in favor of Romani complainants.

In March, a Romani woman won a court case of job discrimination against a German drugstore chain, despite the continued lack of a formal antidiscrimination law. A court awarded Renata Kotlarova \$1,850 (50,000 CZK) compensation and an apology from the drugstore chain. The NGO Counseling Center for Citizenship, Civil, and Human Rights said that Kotlarova's case was the first in which a court awarded compensation on the basis of discrimination during a job interview. A subsequent appeal by the drugstore chain was unsuccessful.

Roma also faced discrimination in housing and other areas of everyday life. Some restaurants, bars, and other public places refused service to Roma and posted signs prohibiting their entry. In 2003, there were seven such cases; three were settled in the Roma's favor. Human rights groups reported that many municipalities attempted to force Romani families to leave, employing such tactics as eviction from municipally-owned homes for alleged lapses in rent payments or coercion of Roma to sign agreements that they did not understand that were then used to curtail existing housing contracts. While the Human Rights Commissioner criticized such practices publicly, the law allows municipalities substantial autonomy in such actions.

On June 2, a regional court ruled in the favor of a Romani woman in her case against a private firm that had refused to rent her an apartment on the basis of her ethnicity. The company was ordered to pay approximately \$2,140 (50,000 CZK) and send a written apology.

The law provides that every citizen is entitled to government provided health care, either as a salary deduction or free of charge for the unemployed. Despite this, reports indicate a higher than average percentage of Roma suffered from health problems. In addition, some Romani parents refused to allow their children to receive compulsory vaccinations due to traditional beliefs. Intransigence on the part of local authorities sometimes impeded NGOs and health and education professionals work to improve living conditions for the Roma.

In September, the European Roma Rights Center (ERRC) accused the Government of the continued coercive sterilization of Romani women. The former Communist regime made a policy of sterilizing Roma women from the 1970's until the regime fell, in order to reduce their high birth rate. According to investigations by the ERRC and partner organizations, there were significant concerns that this policy continued to the present day in some regions of the country. The ERRC reported several cases in which the consent for sterilization was either not provided at all prior to the operation, secured while a woman was in labor, obtained without the woman understanding the terminology involved, or obtained through the use of financial incentives or threats. The law allows for sterilization only if a woman is over 35 years of age or has four children already, or when a new pregnancy would present a threat to the woman's life. In all cases, the woman must explicitly consent to the operation beforehand. The State Ombudsman was investigating the issue, and the Health Minister established a special commission to examine possible cases of forced sterilization since 1990. According to the country's Human Rights Commissioner, a physician himself, the situation is indicative of a larger problem in the health system due to parochial attitudes of physicians towards their patients and overall lack of choice and information for users about the healthcare system.

In a continuation of its Plan for Roma Integration, the Government allocated several million dollars (tens of millions of CZK) at

various times throughout the year for projects designed to promote integration of the Romani community. Allocations supported construction of community centers and educational assistance to minorities, including support for kindergarten programs and Roma teaching assistants in schools.

Roma continued to face discrimination in education. According to unofficial estimates for the academic year 2001-02, over 90 percent of students in so-called special schools were of Romani origin. Graduates of these schools were not restricted from attending secondary schools; however, special school curriculum did not prepare students to pass the requisite entrance examinations of mainstream schools. Human rights organizations condemned the practice of placing Romani children in special schools as perpetuating their marginal position in society. Some Romani parents did not send their children to school regularly due to fear of violence and the expense of books and supplies. The Government provided funds to assist with a variety of school-related expenses for Romani families who cannot afford to send their children to secondary schools.

Many districts with high concentrations of Roma held yearlong kindergarten programs to prepare Romani children for their first year in school; these programs were funded by the Government and administered by local school districts. The Ministry of Education estimated that 90 to 94 percent of the children in these programs were Roma; according to Ministry statistics, 87 percent of children who attended in 2003 went on to successfully attend basic school and continue their education in normal schools.

Romani teaching assistants were placed in primary and special schools to help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. Bilingual language textbooks were used in elementary schools countrywide to help overcome the cultural and language differences between Romani children and non-Romani-speaking teachers. Textbooks commissioned by the Ministry of Education that discuss the cultural and historical roots of the Romani minority and on successful members of the Romani community were used in schools. Local NGOs supported additional studies and private initiatives to prepare Romani children for mainstream schools.

The Inter-ministerial Commission for Roma Community Affairs, which included 12 government and 14 Romani representatives, as well as the Commissioner for Human Rights and his deputy, continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors. The Commission also promoted positive initiatives in housing, education, and discrimination. Due to the large numbers of Slovak Roma who regularly migrated to the country, the Commission established a bilateral committee to monitor Slovak Roma community migration. The committee was headed by the Deputy Interior Ministers of both countries.

The Ministry of Foreign Affairs' Roma Affairs Coordinator continued to function as the Ministry's liaison with Romani groups, NGOs, and the diplomatic community.

During the year, the Government continued an active effort to identify, train, and recruit qualified Roma to serve in law enforcement. During the year, special training and preparation courses were held for 16 Roma to become police officers; 3 candidates ultimately joined the police. Over the past 5 years, 107 Roma took the special preparatory course, 29 of whom became police officers; however, these preparation courses were not to continue after January 2005, due to a new law regulating police employment that will require police officers to have at least full secondary education, without exceptions. If Roma apply to the police force without a secondary education, the police will continue to train them via a specialized program with the Ministry of Education, designed to help Romani children whose families could otherwise not afford to send their children to secondary schools.

In October, all police schools began teaching a course entitled "Multicultural education – Extremism – Racism" to instruct officers in human rights, professional ethics, and protection of and respect for minorities. During the year, a minority liaison program and activities under regional police action plans for the integration of minorities continued. Police in two regions also established police liaison positions to help combat specific local problems such as usury and profiteering, and prostitution. Assistants were recruited from the Romani community and to help police establish cooperation with the local Romani minority with regard to prevalent local problems.

The Human Rights Commission's "Project Tolerance" continued its annual national campaign against xenophobia and racism. The campaign promoted diversity, monitored right-wing extremist groups to better guide government antiracism efforts, and furthered education against discrimination.

## Section 6 Worker Rights

### a. The Right of Association

The law provides workers with the right to form and join unions of their own choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 25 percent of the workforce was unionized. Most workers were members of unions affiliated with the Czech-Moravian Chamber of Trade Unions, a national umbrella organization. The law prohibits antiunion discrimination; however, union discrimination occurred. Common discriminatory practices included firing union leaders, denying union members entry to meetings between employees and management, refusing to provide office space for unions, forcing union members to cancel their memberships, offering financial incentives to dissolve union organization

within a company, disparaging unions in statements to employees, monitoring union members, and refusing to withhold union dues. Employers are required to reinstate workers fired for union activity if found guilty of antiunion discrimination, though the court procedure was generally slow. The entry into force of a law that would allow employers to dismiss trade union officers without prior authorization from the union was postponed until January 1, 2007.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, which generally was carried out by unions and employers on a company basis. The scope for collective bargaining was more limited for civil servants, whose wages were regulated by law. However, during the year, the International Confederation of Free Trade Unions reported that some employers attempted to prevent workers from organizing by means of direct and indirect pressure and attempted to render collective agreements null and void.

Workers have the legal right to strike if mediation efforts fail, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, fire fighting, and telecommunications. Workers in these industries have access to mediation. The law requires unions to provide employers with a list of strikers at least one day before a strike. There were no major strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5, Trafficking). According to press reports, 50 North Korean women were forced to work under close guard in a textile factory and remit the bulk of their earnings to the North Korean government. The North Korean embassy told the press the women's situation was an internal matter. The Government was reportedly investigating the allegations at year's end.

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Code stipulates a minimum working age of 15 years, although children who completed school could work at the age of 14 years. A previous clause in the labor law that allowed children under the age of 15 to work in family-owned businesses and farms expired. Employment conditions for children aged 15 to 18 were subject to strict safety standards. These regulations were enforced in practice under the purview of the Ministry of Labor and Social Affairs.

e. Acceptable Conditions of Work

The Labor Ministry sets and enforces minimum wage standards. The national minimum wage was approximately \$262 (6,700 CZK) per month and provided a decent standard of living for a worker and family. The law provides for a 40-hour workweek and requires a paid break of at least 30 minutes during the standard 8-hour workday and between 4 and 8 weeks of paid vacation, depending on profession. Subject to the consent of the employee, employers may establish mandatory overtime not to exceed 8 hours per week, although the local employment office may permit additional mandatory overtime. The Labor Ministry enforced standards for working hours, breaks, and paid vacation.

The Office of Labor Safety was responsible for enforcing health and safety standards. Workers had the right to refuse work endangering their life or health without risking the loss of their employment. The law treats foreign workers the same as other workers in terms of wages and working conditions, although in practice undocumented foreign workers generally did not receive equal treatment.